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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VIKRAM SWAMY, CHAD A. RYAN, and
SRINIVYASA M. ADIRAJU

Appeal 2010-003577
Application 10/562,411
Technology Center 3700

Before: JOSEPH L. DIXON, JEAN R. HOMERE, and STEPHEN C. SIU, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1-5, 7-12, 14-17, 20-27, and 29-44. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The claims are directed to gaming network environment providing a cashless gaming service. Appellants' invention relies upon:

> One aspect of the systems and methods relates to providing a cashless gaming service in a gaming network. The gaming network may comprise gaming machines, service providers, and other entities. The cashless gaming service may provide a web based service for transferring funds in and out of a user account with a gaming establishment. The entities participating in the gaming network may implement a Gaming Services Framework using the World Wide Web and internetworking technology. The World Wide Web ("Web" from here on) is a networked information system comprising agents (clients, servers, and other programs) that exchange information. The Web and networking architecture is the set of rules that agents in the system follow, resulting in a shared information space that scales well and behaves predictably.
>
> The Gaming Services Framework comprises a set of services, protocols, XML schemas, and methods for providing secure gaming system functionality in a distributed, network based architecture. It is intended to be a service-oriented framework for gaming and property management based upon internetworking technology and web services concepts. Specifically, it supports a loosely coupled architecture that consists of software components that semantically encapsulate discrete functionality (self contained and perform a single function or a related group of functions - the component describes its own inputs and outputs in a way that other software can determine what it does, how to invoke its functionality, and what result to expect). These components are distributed and programmatically accessible (called by and exchange data with other software) over

standard internetworking protocols (TCP/IP, HTTP, DNS, DHCP, etc.).

(Spec. 2-3). Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for providing a cashless gaming service in a gaming network including gaming machines, the method comprising:

sending service information for the cashless gaming service from the cashless gaming service to a discovery agent on the gaming network, wherein the cashless gaming service provides electronic funds transfer for one or more of a plurality of gaming machines on the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;

determining by the discovery agent if the cashless gaming service is authentic and authorized;

in response to determining that the cashless gaming service is authentic and authorized, publishing the service information to a service repository to make the cashless gaming service available on the gaming network;

receiving by the discovery agent a discovery request for the location of the cashless gaming service from a gaming client on a gaming machine of the plurality of gaming machines;

using the service information for the cashless gaming service to register the gaming client with the cashless gaming service;

verifying that the gaming client is authorized to utilize the cashless gaming service; and

processing one or more service requests between the gaming client and the cashless gaming service, said service requests conforming to an internetworking protocol.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Bowman-Amuah	US 6,289,382 B1	Sep. 11, 2001
Gatto	US 6,916,247 B2	Jul. 12, 2005
Oberberger	US 2002/0077178 A1	Jun. 20, 2002
Letovsky	US 2002/0147047 A1	Oct. 10, 2002

REJECTIONS

Claims 1-5, 7, 9-12, 22-27, 29, 31-40, and 43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gatto. Ans. 3.

Claims 8, 14, 30, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto. Ans. 5.

Claims 15-17 and 37-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto and Letovsky. Ans. 6.

Claims 20, 21, 41, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto and Oberberger. Ans. 6.

Claim 44 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto and Bowman-Amuah. Ans. 7.

ISSUES

Has the Examiner set forth a sufficient showing of obviousness of independent claim 1? Specifically, does Gatto teach or suggest "sending service information to a discovery agent"?

PRINCIPLES OF LAW

35 U.S.C. § 102

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The properly interpreted claim must then be compared with the prior art

Obviousness

"On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness." *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998) (citation omitted).

> Section 103 forbids issuance of a patent when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains."

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 406 (2007).

In *KSR*, the Supreme Court emphasized "the need for caution in granting a patent based on the combination of elements found in the prior

art," and discussed circumstances in which a patent might be determined to be obvious. *Id.* at 415 (citation omitted). The Court reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at 416. The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.* at 415, 417.

CLAIM GROUPING

Appellants argue the patentability of the claims on appeal as a single group by arguing the rejection of claim 1. In accordance with 37 C.F.R. § 41.37(c)(1)(vii), we consider the claims on appeal as standing or falling with representative claim 1.

ANALYSIS

At the outset we note that Appellants have elected to group claims 1-5, 7, 9-12, 22-27, 29, 31-40, and 43 as a single group. (App. Br. 17). We select independent claim 1 as the representative claim and will address Appellants' arguments thereto.

Appellants argue that:

> For example, claim 1 recites "sending service information for the cashless gaming service from the cashless gaming service to a discovery agent on the gaming network." Claim 23 recites similar language. The Final Office Action states that Gatto, in FIGs. 19 and 20 and at column 14, lines 11-33 discloses "sending service information for a service from the gaming service (specialized device) to a discovery agent (server, 112) on the gaming network." Appellant respectfully disagrees with this interpretation of Gatto. The cited

> section of Gatto discloses that a central server can subscribe to asynchronous events causing the specialized device to notify the central service of events specified as being of interest to the server. However, this is different from Appellant's claims 1 and 23 for several reasons. First, Gatto refers to communication between a device and a central server. A device is not a service. Second, there is no disclosure of the device, or any other component of Gatto, sending service information to a discovery agent. While Gatto mentions the use of UDDI, Gatto is silent as to how the information is provided to a UDDI node in order to be published. It is neither inherent nor necessary that a service provide service information to a discovery agent. For example, one way known in the art is for a user to provide service information to a discovery agent using a user interface to provide configuration details or to direct the discovery agent to read configuration from a file. Gatto does not disclose any specific mechanism for a discovery agent to obtain service information, thus Gatto does not teach or suggest "sending service information for the cashless gaming service from the cashless gaming service to a discovery agent on the gaming network" as recited in claim 1 and similarly recited in claim 23.

(App. Br. 15-16). The Examiner disagrees with Appellants' contentions and interpretation of the teachings of Gatto. (Answer 9). The Examiner maintains:

> Gatto discloses providing a cashless gaming service connected through a network (column 3, lines 1-7 & 41-50), wherein the specialized device (i.e. gaming device) is in communication with a server (i.e. discovery agent). In order for a player to play the game, the gaming device has to send service request information to the gaming server on the gaming network (Fig. 19). Clearly, the system of Gatto sends service information for a service from the gaming service to a discovery agent on the gaming network. The device alone is not a service. The service is a combination of the device with the central server communicating with one another to offer/initiate a cashless gaming service to the player.

(Answer 8).

Here, the Examiner has further supported the rejection by relying upon column 3 of the teachings of Gatto. Appellants have not filed a Reply Brief to address the Examiner's further clarification. We agree with the Examiner that Gatto teaches a payment verification unit (PVU), and Gatto further teaches that the specialized devices may be controlled by the PVU. Additionally, we note, that figure 8 and column 8 of Gatto teach that a gaming machine may communicate with a central server's 112 and the PVU(s) via a network link. Therefore, we agree with the Examiner that there is a three way authorization for the cashless gaming system and service.

In response to the Examiner's proffered teachings of Gatto at column 10, lines 55-62, Appellants further argue that:

> In contrast, Appellant's claims recite a system and method in which a cashless gaming service is not allowed to be published on a gaming network *unless* it is authentic and authorized. Such an arrangement provides the advantage that services must be authenticated and authorized *before* being published on the network, thereby reducing the potential that a service may engage in harmful actions on a gaming network.

(App. Br. 17) (emphasis added).

We find Appellants' argument to be incommensurate in scope with the express language of independent claim 1. Therefore, Appellants' argument is not persuasive of error in the Examiner's showing of anticipation. In addition to the relied upon teachings of Gatto at column 14 which concerns figure 10, we find that Gatto in the discussion of figure 10 further refers to figure 9 (at column 13). In the discussion of figure 9, at column 12, lines

11-14, Gatto teaches the "APIs not only define the exchange of information between adjacent modules but also defined how one module may provide services that may be consumed by the other. In this manner, one module may be made to control another module." Gatto further states at lines 34-45, "The authentication engine 834 may advantageously maintain a registry of authorized devices and may dispatch alerts to prevent [the] illegal devices from operating ... [a]t least the high-level engines 832, 834, 836, and 844 may communicate with the central server(s) 112 and/or the PVU 500, 600, 700."

We find the teachings of Gatto clearly teach authentication and authorization in combination with "services." We further find that any communication between units is broadly and reasonably interpreted as "publishing" as recited in independent claim 1.

Appellants' main contention appears to be the differentiation between a "service" and everything else on a network, but Appellants have neither defined a "service" in the language of independent claim 1, nor identified any express definition in the Specification to differentiate the Examiner's proffered application of prior art teachings. Therefore, Appellants' argument is not persuasive of error in the Examiner's showing of anticipation.

35 U.S.C. § 103

Appellants contend that the dependent claims inherit the elements of their respective base claims and rely upon the proffered arguments with respect to the Gatto reference. (App. Br. 18-23). Appellants also contend that the additional references do not teach the argued claim limitations. Since we did not find Appellants' arguments persuasive of error in the Examiner's rejection of the base claims as being anticipated by Gatto, these

arguments are unpersuasive of error in the Examiner's showing of obviousness.

CONCLUSIONS OF LAW

The Examiner did not err in:

the rejection of claims 1-5, 7, 9-12, 22-27, 29, 31-40, and 43 under 35 U.S.C. § 102(b) as being anticipated by Gatto;

the rejection of claims 8, 14, 30, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Gatto;

the rejection of claims 15-17 and 37-39 under 35 U.S.C. § 103(a) as being unpatentable over Gatto and Letovsky;

the rejection of claims 20, 21, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Gatto and Oberberger; and

the rejection of claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Gatto and Bowman-Amuah.

DECISION

For the above reasons, the Examiner's rejection of claims 1-5, 7-12, 14-17, 20-27, and 29-44 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED

tkl

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